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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

2006 MAR -1 A 11:47

JEFF HATCH-MILLER, Chairman  
WILLIAM A. MUNDELL  
MARC SPITZER  
MIKE GLEASON  
KRISTIN K. MAYES

AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF:

DOCKET NO. S-20392A-05-0507

Thomas C. Messina aka Thomas Campbell Messina  
aka Tom C. Messina and Donna M. Messina  
Husband and wife  
17212 N. Scottsdale Road, #2239  
Scottsdale, AZ 85255

Respondents.

**FIFTH**  
**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On July 21, 2005, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity of Hearing ("Notice") against Thomas C. Messina and Donna M. Messina (collectively "Respondents"), in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of promissory notes and/or investment contracts.

The Respondents were duly served with a copy of the Notice.

On August 11, 2005 and August 18, 2005, respectively, a request for hearing and an Answer were filed by Respondents.

On September 1, 2005, by Procedural Order, a pre-hearing conference was scheduled on October 5, 2005.

On October 5, 2005, the Division appeared with counsel and the Respondents appeared on their own behalf. During a brief recess, the parties discussed resolution of the issues raised in the Notice. Subsequently, the parties requested a pre-hearing be set in 14 days.

On October 6, 2005, by Procedural Order, a pre-hearing conference was scheduled for October 26, 2005.

On October 26, 2005, the Division appeared with counsel and Mr. Messina appeared on his and his wife's behalf. The parties requested a hearing be scheduled because they had been unable to

1 conclude a Consent Order. By Procedural Order, a hearing was scheduled for January 18, 2006.

2 On January 6, 2006, the Division filed a request for a continuance of the hearing and  
3 requested an additional pre-hearing conference be scheduled in late February, 2006. The Division  
4 also requested that filing dates for exchanging copies of witness lists and copies of exhibits be held in  
5 abeyance pending the rescheduling of the hearing. There are no objections to the Division's request.

6 On January 10, 2006, by Procedural Order, the hearing scheduled for January 18, 2006 was  
7 vacated, the exchange of witness lists and copies of exhibits was delayed and a pre-hearing  
8 conference was scheduled for February 28, 2006.

9 On February 28, 2006, the Division appeared with counsel and Mr. Messina appeared on his  
10 and his wife's behalf. The Division requested that a hearing be scheduled on the issues raised in the  
11 Notice.

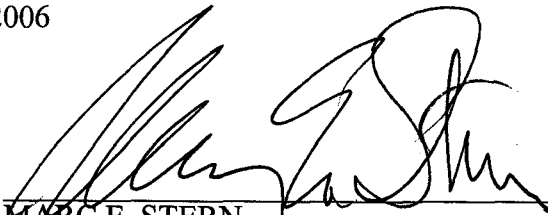
12 Accordingly, a hearing should be scheduled.

13 IT IS THEREFORE ORDERED that a hearing shall be held on **May 9, 2006, at 9:30 a.m.**, at  
14 the Commission's offices, 1200, West Washington Street, Phoenix, Arizona.

15 IT IS FURTHER ORDERED that the parties shall also set aside **May 10 and 11, 2006**, for  
16 additional days of hearing.

17 IT IS FURTHER ORDERED that the parties shall exchange copies of their exhibits and their  
18 lists of witnesses by **April 14, 2006**, with courtesy copies provided to the presiding Administrative  
19 Law Judge.

20 Dated this 13<sup>th</sup> day of March, 2006

21  
22  
23   
24 MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

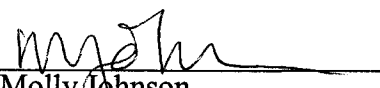
25 Copies of the foregoing mailed/delivered  
26 this 15<sup>th</sup> day of March, 2006 to:

27 Thomas and Donna Messina  
17212 N. Scottsdale Road, #2239  
Scottsdale, AZ 85255  
28 Respondents

1 Matt Neubert  
2 Securities Division  
3 ARIZONA CORPORATION COMMISSION  
4 1200 West Washington Street  
5 Phoenix, AZ 85007

6 ARIZONA REPORTING SERVICE, INC.  
7 2627 N. Third Street, Ste. Three  
8 Phoenix, Arizona 85004-1104

9 By:

10   
11 Molly Johnson  
12 Secretary to Marc E. Stern  
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